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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/881,532

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Jeffrey A. Pritchard

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KYOCERA WIRELESS CORP.
P.O. BOX 928289
SAN DIEGO, CA 92192-8289

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/881,532

Applicant(s)

PRITCHARD, JEFFREY A.

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 08/08/2007 has been entered. Claims 36, 38 and 56 have been amended. No further claims have been canceled. Claim 63 has been added. Claims 36-63 are still pending in this application, with claims 36, 38 45 and 63, being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-43, 44-45, 56 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlager et al. (US PAT # 6,198,390) in view of Hollenberg (US PAT # 6, 091, 956) and further in view of Leapman et al. (Patent Application Publication US 2002/0087401).

Regarding claim 36, Schlager teaches a method for providing location-based responses (see col. 6, lines 25-28) to a user utilizing a wireless communications device (remote station 302, see col. 12, lines 1-2, see also, Fig. 7 and 8), the method comprising the steps of: the user storing at least one target location in a memory of the wireless communication device (reads on the separation distance, see col. 11, lines 55-57); the user storing at least one target range (the target range reads on the received

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field, see col. 12, lines 39-46) in the memory (reads on circuit 328, see col. 12, lines 11-13), the target range corresponding to the at least one target location and defining a surrounding target area that includes the at least one target location (see col. 7, lines 49-57 and col. 8, lines 60-67); determining whether the present location within the target area of at least one target location utilizing a processor of the wireless communication device (see col. 12, lines 16-48 and col. 15, lines 1-16).

Schlager does not specifically teach “the user storing a specific activity associated with at least one target location in the memory” and “outputting an indication of the specific activity associated with at least one target location”.

However, Hollenberg teaches a wireless system for providing services and time-critical information about places and events to mobile computers and their users proximate to their current locations or potential destinations (see abstract, Figs 3-4 and col. 16, lines 11-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of providing information to users based on their destinations (i.e., activities), as taught by Hollenberg, into the Schlager system in order to provide the user with speed and convenience by supplying him/her with the desired information at the desired time.

The combination of Hollenberg and Schlager does not specifically teach “the user storing specific activity associated with at least one target location in the memory before entering the target range”.

However, Leapman teaches loading in the memory 250 of the mobile device (see ¶0026, Fig. 2 and ¶ 0019) acceptance data that has related personal information such as, suggesting a watch, gift certificate...etc for “Dad’s Birthday” event on the calendar events. Or the variable could be an advertisement for a grocery store having a promotion sale on “Skim milk”, see ¶ 0026 and ¶0031). This information will be entered at first and prior to receiving any advertisements or reminders.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having information entered in the memory before the occurrence of any event, as taught by Leapman, into the combination of Hollenberg and Schlager in order to arrange the users data based on his/her desire. For example, entering the desired information about products or events will remind the user about these events. In conclusion, this will provide speed and convenience to the user.

The newly cited limitation of “the user storing an indication of the specific activity associated with at least ...etc.) may read for example on the grocery store broadcasting

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an item on sale such as skim milk that the user has entered as an item needs to be purchased [see Leapman 0032].

Claims 38-42, 44 and 63 are rejected for the same reasons as discussed above with respect to claim 36. For claim 38, the claimed "a plurality of physical locations" reads on storing several geographical areas information, (see col. 20, lines 22-65 in Schlager). The claimed "specific task" reads on user's certain activities. For example, providing certain information about merchandise when the user is shopping (see Fig. 4 in Hollenberg). The claimed "processor" as recited in claim 40 reads on the processor functionality as discussed in Hollenberg col. 25, lines 32-55. For claim 41, the claimed "audio conveyance" reads on the audible alarm 254 (see Schlager col. 11, lines 55-59).

Claim 37 recites " the user interface is a display, and wherein the indication is a text display of the specific activity". See col. 16, lines 11-24 and Fig. 4 in Hollenberg.

Claim 43 basically recites the use of (GPS), see col. 3, lines 57-60.

Claim Rejections - 35 USC § 102

4. Claims 45-49 and 53-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Schlager.

For claim 45, the claimed "wireless communications network" reads on reads on networks Cellular phone network 538, Wireless network 540, and radio relay network 542 (see Fig. 17), the claimed "antenna" reads on antenna 306 and/or antenna 322 (see col. 12, lines 1-8); the claimed "memory" reads on circuit 328 (see col. 12, lines 11-13); the claimed "user input device" reads on numerals 150 to enter information (see col. 9, lines 18-20); and the claimed "controller" reads on element 378 (see Fig. 12). For claims 39-40, see col. 7, lines 34-60.

For claim 46, see display 324 (Fig. 11).

Claim 47 basically recites the use of (GPS), see col. 3, lines 57-60.

For claims 48-49, see wireless communications network (540) and cellular communications network (538), col. 15, lines 38-47.

Regarding claim 53, Schlager teaches the target range area is time sensitive (see col. 21, lines 54-65). Also this can be inherent feature.

Claims 54-63 basically read on providing an audible message 254 (col. 11, lines 55-59).

Claim Rejections - 35 USC § 103

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5. Claim 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlager et al. (US PAT # 6,198,390).

Regarding claim 50, Schlager teaches the mobile wireless communications device is a wireless handheld communications device (remote station 302, see col. 12, lines 1-2, see also, Fig. 7 and 8).

However, Schlager does not specifically teach the wireless handheld communications device is a laptop, a pager, or a PDA.

Therefore, having the mobile wireless communications device as a laptop computer with a wireless modem, a pager or a personal digital assistant (PDA) would have been obvious since a mobile device can be any one of the above mobile wireless communications devices that the user can carry with him/her at any time and place. Using different type of devices provide the user with the flexibility and convenience.

Claims 51-52 recite the limitations "the target range area is programmed as a two-dimensional shape, and as a three-dimensional space". It is obvious to one of an ordinary skill in the art since to choose and program the target range area in any shape and space desired. An area is generally two-dimensional and a building is generally three-dimensional because the height is a dimension in buildings.

Response to Arguments

6. Applicant's arguments filed 08/08/2007 have been fully considered but they are not persuasive.

Applicant argues (Page 18 of the Remarks) "The indication can be custom tailored to suite the needs of the individual. For Example, if the target location is a specific store and the specific activity is to buy a certain item, the indication can be a text message that flashes "buy bread". First of all, the claimed feature of indication actually reads on the scenario of the grocery store broadcasting an item on sale such as skim milk. This item (the skim milk) the user has already entered as an item that needs to be purchased [see Leapman 0032]. Thus, the broadcast of the grocery store can be the text message, which indicates the specific activity. Second, it is noted that Applicant is arguing each reference individually and not considering the rejection as a whole. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Also, the Applicant argues (pages 10-11) that the indication can be a text message. It appears that Applicant is reading into the claim's language since the having a "text message" is not recited in the claim's language of the independent claims.

The Examiner strongly believes that all other arguments are properly addressed in the above rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on (571) 272-7493.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

For claim 46, see display 324 (Fig. 11).

A handwritten signature in black ink, appearing to read 'Rasha S. Al-Aubaidi', with a long horizontal flourish extending to the right.

RASHA S. AL-AUBAIDI
PRIMARY EXAMINER

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10/10/2007